File #:

62-HQ-116395

Serial Scope:

1243 thin 1245, 1249, 1250x1 thin 1253, 1255, 15t NR 1255, 2nd NR 1255, 1255x, 1255x1 thin 1258, 1261, 1262

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OFFICE OF THE DEPUTY ATTORNEY GENERAL WASHINGTON, D.C. 20530

JAN 1 2 1976

TO:

John A. Wintz, Assistant Director Legal County Division

Federal Bureau of Investigation

FROM:

Michael E. Shaheen, Jr.

Special Counsel for Intelligence

Coordination

SUBJECT:

SSC Letter Dated January 8, 1976

Attached is a letter from the SSC dated January 8, Please arrange for an appropriate response to Items 1976.

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JAN 1 2 1976

John A. Mintz, Assistant Director Legal Counsel Division

Federal Bureau of Investigation

FROM:

Michael E. Shaheen, Jr. Special Counsel for Intelligence

Coordination

SSC Letter Dated January 8, 1976 SUBJECT:

> Attached is a letter from the SSC dated January 8, Please arrange for an appropriate response to Items 1-8.

Frank Church, Idaho, Chairman John S. Tower, Texas, Vice Chairman

PHILIP A. HART, MICH.
WALTER F. MONDALE, MINN.
WALTER D. HUDDLESTON, KY.
ROFERT MORGAN, N.C.
GARY HART, COLO.

Howard H. Baker, Jan. Nn. Barry Goldwater, Ariz. Charles Mc C. Mathias, Jr., Md. Richard S. Schweiker, Pa.

WILLIAM G. MILLER, STAFF DIRECTOR FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL "CURTIS R. SMOTHERS, MINORITY COUNSEL United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 14TH CONGRESS)

WASHINGTON, D.C. 20510

January 8, 1976

Michael E. Shaheen, Jr., Esq.
Special Counsel for Intelligence Coordination
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D.C. 20530

ALL INFORMATION CONTAINED

Dear Mike:

following information:

One of the subjects which the Committee will be addressing in preparing its legislative recommendations involves the adequacy of the FBI's inspection procedures for handling allegations of misconduct and abuse. In this regard we are forwarding herewith a list of several such allegations which have been made during the past few years and concerning each of which we would appreciate your supplying us with the

- 1. How did FBI Headquarters first become aware of the allegation?
- 2. Was an investigation or inspection conducted? If not, was any other action taken?
- 3. How was the decision made to conduct (or not to conduct) an inspection or investigation, or to take (or not to take) other action?
- 4. Which Division, or operating level (headquarters or field), conducted the inspection or investigation?
- 5. How was the decision made as to which Division or operating level was to conduct the inspection or investigation?
- 6. Was the original allegation reported to the Attorney General or any other Department of Justice official?

62-116395-1262

NW 55114 DocId:32989562 Page 4

- 7. Were the results of the inspection or investigation reported to the Attorney General or any other Department of Justice official?
- 8. Was prosecution or administrative action (e.g., suspension or dismissal) considered or taken?
- 9. If any of the allegations on the attached list were made today, would they be handled by the newly-created office of Professional Responsibility? In what manner would they be handled? If an investigation were deemed warranted, which agency's personnel would do the investigating. In this regard, please also advise concerning which agency's personnel will be investigating recently-reported allegations that agents of the FBI "attempted to coerce" a House Select Committee on Intelligence witness "into repudiating his testimony before the select panel."

Answers to questions 1 - 7 should be accompanied by full back-up documentation, including memoranda, inspection or investigative reports, 302's, personnel reports, and communications to and from the field.

Your continued cooperation is appreciated.

Yours very truly,

John T. Elliff

Director

Domestic Intelligence Task Force

LEVI ASKS INQUIRY IN ATTACK ON F.B.I.

Special to The New York Times

WASHINGTON, Jan. 6—Attorney General Edward H. Levin; has asked the Justice Department's new internal inspection unit to investigate an assertion by the House Select Committee on Intelligence that the Federal Bureau of Investigation attempted to coerce a committee witness into repudiating his testimony before the select panel.

A Justice Department spokesman said that Mr. Levi, responding to a request for information about the incident from
A. Searle Field, the committee's
staff director, had assigned the
matter for investigation to the
department's newly created Office of Profesional Responsibility.

In a letter to Mr. Levi last. week, Mr. Field reported that the witness, Martin L. Kaiser, had disavowed part of his committee testimony after a sixhour interrogation by F.B.I. agents.

Mr. Kaiser heads a Maryland company that makes electronic eavesdropping equipment for the F.B.I. and other Federal law enforcement

law enforcement agencies.

His testimony before the House Committee in October raised the possibility that some F.B.I. agents had received kickbacks when another electronics company sold to the F.B.I. material it had acquired from Mr. Kaiser's concern.

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LIST OF ALLEGATIONS

- 1. The March 20, 1975 edition of the New York Times reported that "the Federal Bureau of Investigation has carried out kidnappings of a number of persons in the United States that it believed to be clandestine agents of foreign intelligence services, according to two former FBI agents."
- 2. The August 11, 1975 issue of <u>Time Magazine</u> reported the discovery of "Bureau manuals, documents and reports" in the apartment of a KGB "operative" who was described as the "mistress" of an FBI agent.
- 3. The August 11, 1975 issue of <u>Time Magazine</u> also reported that in 1961 a Bureau agent was "suspected of giving FBI reports to the Soviets."
- 4. The March 29, 1975 edition of the <u>Washington Post</u> reported allegations that an FBI agent had been "bribed by a member of the Mafia."
- 5. A recent edition of <u>Time Magazine</u> reported that "sensitive" FBI documents "were carried off in an FBI truck to West Virginia's Blue Mountain Ridge Club, a Shenandoah Mountain Hideaway used by innermost FBI officials for regular poker games with CIA and other cronies. The papers were burned in the Club's large fireplace."

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ormer Agents Say

By JOHN M. CREWDSON

Special to The New York Times WASHINGTON, March 19-The Federal Bureau of Investiligence services, according to two former F.B.I. agents with it.direct knowledge of such operations.

One of the former agents of thing that's never done light-placed the number of such kid-ly." nappings over the years at

Theen occasioned by such cold war incidents as the Cuban ened with death as punishments missile crisis "when things for noncooperation, he added, were pretty rough," and that although neither official rehe was "certain that this is called any instance in which no longer going on.'

A spokesman for the bureau said only that the bureau would maintained, however, that menadopt "a no-comment posture" with respect to the kidnapping part of such interrogations, and allegations.

A Pattern in Targets

- Both of the agents said that. with one possible exception, the targets selected by the F.B.I. for kidnapping were suspected intelligence operatives from Communist countries who had entered the United States illegally with forged American passports and other identity

documents. The use of the kidnapping technique was also confirmed, Although not in detail, by two other former F.B.I. agents.

in separate interviews, two former agents who described the alleged kidnappings left open the possibility that in one instance the bureau had erred in kidnapping a person he said. who proved not to be a deepcover spy but a legitimate American citizen.

however, that in every case former agent's words: the practice was "completely "You are a free of civil liberties. No question If you leave here and do not about it," he added.

keep your promises we will

of intelligence, you're faced you have made a commitment with the concept of expediency, and we will take you at your That oftentimes leads you into word." extra-legal activities."

charged with a crime, to habeas: corpus and to the assistance

of counsel, among others. Kidnapping, the former agent gation has carried out kid-said, was a last resort used nappings of a number of when no alternative means persons in the United States could be quickly found to interthat it believed to be clandes-rogate a suspected subversive, tine agents of foreign intel-or to "turn" him into a double

It was, he said, "the type

Both men denied that physi-"fewer than 10" and said that, cal torture was ever employed.

"as far as he knew, the tech-in such cases, although one inique had not been employed said that, when a suspect had by the bureau since the mid-been located, "You'd pick him nineteen-sixties."

He said that its use had and work him over."

The victims were often threat-i a hostage had been murdered. One of the former agents tal duress was an important!

he described one case in which a person was seized and detained in an F.B.I. "safe house" for "several weeks."

Absence Not Noticed

Because the man was not operating under diplomatic cover, as many foreign espionage agents do, and was not otherwise an official personage; his extended absence went publicly unnoticed, the former agent

The spy, he said, knew his captors only as "U.S. intelligence agents," at least one of whom was with him constantiv.

"Someone slept in the same bed with him. We even went with him to the bathroom,

After weeks of intense interrogation the man broke and agreed to become a double One of the agents conceded, agent and was told, in the

"You are a free man. Do wrong-completely in violation you know what that means? about it," he added. | keep your promises we will will be said, "In the business do nothing further to you. But

ALL INFORMATION

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in such cases,

said,

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F.B.I. Has Kidnapped Suspected Foreign Spies in U.S.

organized crime figures, but when he was a small child police, or representatives of a former resident of the county. other Soviet-bloc intelligence someone whom the records

larly useful, he explained, when pelvic injury as a youth. the F.B.I. fezred that it was The inquiring man appeared about to lose track of a sur- to walk perfectly, however, and described the interrogation as them and they refused to un- who carried them out. American citizen.

and follow him to develop who the was contacting here," the former agent said, "but you the sources said, "and went over subjected. always ran the risk of losing and checked the matter out." him in 200 million people.

former agents.

fice in a rural Middle West States illegally. border and asked for a copy became concerned that they interrogation, or while attempt-ed."

clerk that he had left the region was made "to hit him."

clerk and others there remem-

pected agent posing as an the townspeople, their suspi- a "stern" one, and the other dertake such work without "pa-"You'd identify your man office of the F.B.I. agent was on the ball," one of ordeal to which the man was

would lose the suspect, the ing to eccape. -

icially picked team of agents him to a secluded "safe house" the two sources said.

cions piqued, notified the local added that "this was rough per" or written authorizations, thing," he said, pointing out business," though neither pro- which Mr. Hoover was unwill- that the crime of kidnerpring 'Thank God the resident vided specific details of the ing to give.

Both sources described the

! In the early nincteen-sixties, came convinced that he was maintained, however, that none road:" ...

After seceiving puthorization operated a formalized "kidnap-lever made in writing and that was reserved for operatives of and was now seeking to doc-directly from J. Edgar Hoover, ping squad," at one time there consequently no record of it the Soviet K.G.E., or secret ument his family history. The the late F.B.I. director, a spe-was a cotorie of agents who exists within the bureau's files. seized the ouspect and rushed as ourgieries and kidnoppings. closely held," he said, being

Too Dangerous to Accept

"You'd call a guy up and operation as a success but dehim in 200 million people.

One instance in which that clined to elaborate on its present mind you that he had two kidnapping statutes had probation or the subject's kids in college and he could his not been violated by the

they recalled, a man walked a Soviet intelligence agent who of the suspected espionage. This work was exceedingly was extracted. eccually into the recorder's of-had penetrated the. United agents involved in these opera-dangerous," the second former tions had ever died as a direct F.B.L. man said. "You could of the country would not be

The man explained to the source recounted, a decision. The former exect and that firmed these points, adding that or the suspected subversives in a

"could and would" carry out | Knowledge of the kidnapping illegal high-risk operations such operations was "very, very But by the mid-nineteen-six-limited to Mr. Hoover, who The technique was particu-bered had suffered a permanent of the bureau for interrogation, ties, he said, these men had personally approved each of become convinced that Mr. them; a handful of top officials. One of the former exerts Hoover would no longer back and the egents in the field

"Nobody will admit a damn carries no statute of limitations. The lawyers interviewed la connection with the legality

|surveillance and eventually be-| One of the former egents see his retirement down the agents who carried out the abductions, since no ransom

Because "the best interests county seat near the Canadian When the local F.B.I. agents result of the kidnapping or get anot, you could get arrest-served by pursuing that investigation," the man declined to The first former exent con-identify either the F.B.I. agents although the bureau mever no mention of kidnapping was volved in the kidnappings.

ACLASSIFIED TO ALL

FBI

GSeduced by the KGB

P.19

While concentrating its efforts upon the CIA, Senator Frank Church's special committee that is investigating U.S. intelligence programs has also been accumulating data on the FBL Last week TIME learned that the committee has heard some startling reports of misdeeds, break-ins and cover-ups, including the story of an agent whose mistress was linked to the Soviet KGB.

The affair was discovered in 1968 when a CIA source in Moscow reported that KGB officials were jubilant about getting one of their operatives in bed with an 1 H agent. To check out the CIA's report, the FBI broke into the apartment of the woman, a middle-aged waitress, and discovered bureau manuals, documents and reports. Some TBI officials airged prosecution, but J. Edgar Hoover's palace guard of deputies stopped the inquiry to avoid embarrassing the bureau and its boss. The agent was simply allowed to resign. The KGB also appears to have penetrated the FBi in 19ol. In this case, the agent suspected of giving FBI reports to the Soviets (a polygraph test on him was inconclusive) was fired on a minor technicality.

The Church committee has also turned up evidence of a variety of extralegal activities practiced by the LBI. The bureau is said to have maintained special schools to train agents in the techniques of the "bag job," a cuphemism for breaking and entering. The graduates—lockpickers, burglars and a few safecrackers—managed to steal some code books from foreign embassies. For this they received "incentive awards" ranging from \$250 to \$500.

The Senators would like to know more about the private files Hoover kept on public officials and what use he made of them, John Mohr, a former top FBI official, has told TPMI that he had been questioned three times by the committee about the dossiers assembled by Hoover on scores of people. Just what happened to some of the files after Hoover's death in 1972 is still a mystery.

62-116395-12002

Bid to Kill Probe Charge

Department investigation of vestigation]." ing to an informed source.

The charge was leveled an investigation started by against New York FBI agent Justice should be continued. Joseph Stabile by two fellow that he took the bribe.

ment's orgainized crime strike investigation had been "cover-up," the source said.

This triggered a Justice Deis continuing, the source said.

Despite the origin of the Justice Department investigation, the source said, Kelley asked high-ranking department officials in 1973 to call the Brooklyn prosecutors off the case on the grounds the FBI had found no violations of `law.

. In addition, the source said, Kelley complained that the Justice investigation was hurting FBI morale.

During the ensuing dispute, he said, Henry E. Petersen, then chief of the Criminal Division of Justice, informed the Brooklyn prosecutors of Kel-: ley's attempts and told Kelley! the investigation would continue.

Another source said Petersen later cited the New York; incident to show the need for: an inspector general within the Justice Department to police the FBI.

Petersen, who has since left the Justice Department, confirmed recently that Kelley wanted the investigation stopped but could not recall how he had made his views known. Petersen said he would not dispute that it was in the form of a request.

"There was a difference of, opinion, and ultimately the opinion of the Criminal Divi-! sion prevailed, and the FBI acquiesced in that opinion," he Isaid.

NW 55114 <u>Do</u>cId:32989562

By Ronald Kessler

The informed source said pered by the FBI's handling of FBI as a member of the Luchesé Kelley's requests, which were the case before Kelley became Kelley's requests, which were the case before Kelley became Kelley's requests, which were the case before Kelley became New York Mafia family.

Shortly after he became di
Kource said rector of the FBI, Clarence M. department officials amounted Kelley twice made unsuccess- to "pressure" and an "at which were confirmed by a on the question of whether Caful attempts to stop a Justice tempt to suppress it [the in-second source - was the fact puto lied when he told a grand

agent had been bribed by a cutors said, is a fact-finding allegation before attempting New York city policemen. member of the Mafia, accord- agency that normally does not to gather evidence against express opinions on whether him.

Another former New York agents. One said prosecutor said the FBI, on others suspected of criminal Stabile had admitted to him rare occasions, has expressed behavior. such an opinion based on man-An investigation was closed power considerations. But FBI at that same time the FBI vio kids went to nice Catholic when it turned up no evidence intervention when it is a tar- lated its own procedures by schools. They say you're with against Stabile. But the two agents who made the accusation told the Justice Department official said ducting an investigation of the surrounding the bribe allegation.

Sources familiar with the bribe allegation. force in Brooklyn that the FBI bribe allegation attribuated any hint of corruption would of the same issues will be Caputos pending partment investigation, which irreparably damage the bu-raised in a Brooklyn perjury trial. reau's image and effective-trial scheduled to begin April

Although Kelley's attempts were unsuccessful, the Justice district Court, is of John Ca-

source said.

Chief among these problems Department investigation of vestigation." that the FBI immediately con-jury he had not admitted to an allegation that an FBI The FBI, the former prose-fronted Stabile with the bribe FBI agents that he paid off

the FBI agent gave the agent FBI agent, "I got nothing to federal treatment it would not give do with this."

An FBI spokesman said Kel-Kelley's action to a feeling ley cannot comment on the were revealed in pre-trial teslong held by FBI leaders that bribe allegation because many timony taken last month for

The trial, to be held in u.s. investigation had been ham- puto, who is identified by the

bribed Stabile.

The trial, however, centers.

Reached at his Hawley, Pa. m. country home Caputo, 71, said
In doing so, the source said, of the charge he paid off an

Asked if he is a member of the mafia, Caputo said, "come In addition, the source said, on. I have nice children. My

> tion - including the identity of the accused agent, Stabile -perjury !

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE. ·BÝ



OFFICE OF THE DEPUTY ATTORNEY GENERAL WASHINGTON, D.C. 20530

JAN 12 1976

TO:

John A. Mintz, Assistant Director

Legal Counsel Division
Federal Bureau of Investigation

M GFROM:

Michael E. Shaheen, Jr. Special Counsel for Intelligence

Coordination

SUBJECT:

SSC Letter Dated January 12, 1976

Attached is a letter from the SSC requesting a briefing on or before January 15, 1976. Please arrange for an appropriate response.

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Paul Daly cc: Bill Cregar

62-116395

JAN 1 2 1976

TO: John A. Mintz, Assistant Director

Legal Counsel Division

Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.

Special Counsel for Intelligence

Coordination

SUBJECT: SSC Letter Dated January 12, 1976

Attached is a letter from the SSC requesting a briefing on or before January 15, 1976. Please arrange for an appropriate response.



cc: Paul Daly Bill Cregar Frank Church, Idaho, Chairman John G. Tower, Texas, Vice Chairman

PHILIP A. HART, ATICH. WALTER F. MONDALE, MINN. WALTER D. HUDDLESTON, KY. ROBERT MORGAN, N.C. GARY HART, COLO.

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WILLIAM G. MILLER, STAFF DIRECTOR FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL CURTIS R. SMOTHERS, MINORITY COUNSEL

Minited States Senate

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

January 12, 1976

Michael E. Shaheen, Jr., Esq. Office of the Deputy Attorney General U. S. Department of Justice Washington, D.C. 20530

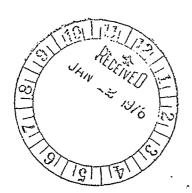
Dear Mike:

The Select Committee requests that Bureau officials knowledgeable in Cuban intelligence activities in the United States, informant penetration of Cuban intelligence and Cuban groups (in the U.S., Cuba and Mexico) for the period 1960-1967, meet with and brief members of the Committee and senior staff on or before Thursday, January 15, 1976.

Other than the morning of Wednesday, January 14, 1976, any time would be convenient for us. I would appreciate your contacting me so that we can work out the details.

Sincerely,

Paul G. Wallach



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NW 55114 DocId: 32989562 Page 14







OFFICE OF THE DEPUTY ATTORNEY GENERAL WASHINGTON, D.C. 20530

JAN 1 2 1976

TO:

John A. Mintz, Assistant Director

Legal Counsel Division > Federal Bureau of Investigation

Michael E. Shaheen, Jr.

Special Counsel for Intelligence

Coordination

SSC Letter Dated January 7, 1976

Attached is a letter from the SSC dated January 7, 1976. Please arrange for an appropriate response.

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5 JAN 15 1976

I ENCLOSURE

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JAN 1 2 1976

John A. Mintz, Assistant Director Legal Counsel Division Federal Bureau of Investigation TO:

Michael E. Shaheen, Jr. FROM:

Special Counsel for Intelligence

Coordination

SUBJECT: SSC Letter Dated January 7, 1976

> Attached is a letter from the SSC dated January 7, 1976. Please arrange for an appropriate response.



FRANK CHURCH, IDAHO, CHAIRMAN JOHN G. TOWER, TEXAS, VICE CHAIRMAN

A. HART, MICH. WALTER F. MONDALE, MINN. WALTER D. HUDDLESTON, KY. ROBERT MORGAN, N.C. GARY HART, COLO.

HOWARD H. BAKER, JR. BARRY GOLDWATER, ARIZ. CHARLES MC C. MATHIAS, JR., MD. RICHARD S. SCHWEIKER, PA.

WILLIAM G. MILLER, STAFF DIRECTOR FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL. CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS) WASHINGTON, D.C. 20510

January 7, 1976

Michael E. Shaheen, Jr., Esq. Special Counsel for Intelligence Coordination Office of the Deputy Attorney General U. S. Department of Justice Washington, D.C. 20530

Dear Mike:

I/would appreciate your supplying to the Committee all memoranda and other materials pertaining to the establishment of the Office of Legal Counsel in the FBI in 1971 as well as all materials prior to that date which would reflect earlier Bureau practices and procedures for considering the legal and constitutional implications of major policy changes in FBI Domestic Intelligence Division operations. (This should include, of course, materials which pertain to the responsibilities and duties of the Office of Legal Counsel which formerly was located in the Training Division.)

I would also appreciate your forwarding such materials as would reflect the process by which Section 87 of the FBI Manual of Instructions was changed in 1973 (i.e., from inception through final approval).

Your continued cooperation is appreciated.

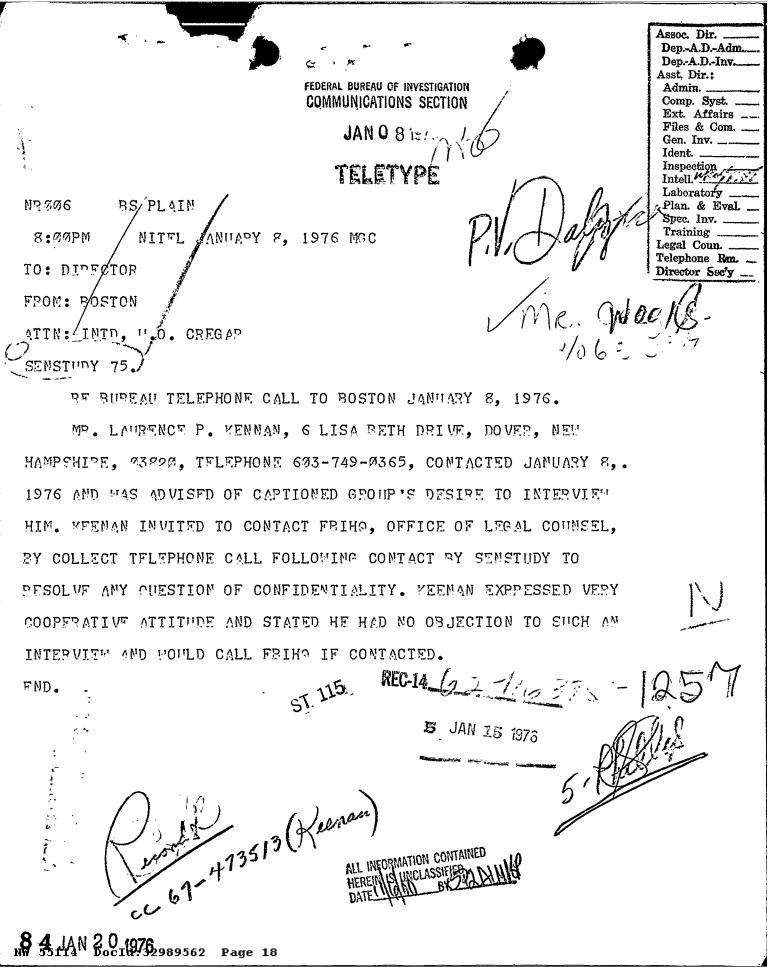
Sincerely,

John T. Elliff Director

Domestic Intelligence Task Force

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Assoc. Dir. Dep.-A.D.-Adm. Dep.-A.D.-Inv.-Asst. Dir.: FEDERAL DUREAU OF INVESTIGATION Admin. Comp. Syst. COMMUNICATIONS SECTION Ext. Affairs Files & Com. JAN 0 7 19/j Gen. Inv. Ident. TELETYPE SJ 694 Plan. & Eval. Spec. Inv. NRØØ3 SJ PLAIN **(1)** 12:47PM URGENT JANUARY 7, 1976 GRB Director Sec'y DIRECTOR TO FROM SAN JUAN ATTENTION: LEGAL COUNSEL AND INTELLIGENCE DIVISIONS SENSTUDY 75 REFERENCE BUREAU TELETYPE, DECEMBER 30. 1975. SAC WARREN C. DE BRUEYS SCHEDULED TO ARRIVE EASTERN AIRLINES FLIGHT 946 AT 7:36 PM. JANUARY 7. 1976. AT FRIENDSHIP AIRPORT: WILL REPORT TO ROOM 3658 JEH BUILDING AT 8:00 AM, JANUARY 8, 1976, AS INSTRUCTED. PHONE NUMBER WHILE IN WASHINGTON WILL BE 941-4667. MEC-14/10 2-1/1-3 ALL INFORMATION CONTAINED

NN 541 AN 2 0 1976 Page 20